

Notice of Allowability

Application No.

10/023,674

Examiner

Ashok B. Patel

Applicant(s)

SCHMIDT ET AL.

Art Unit

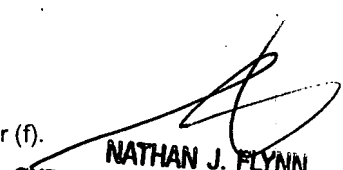
2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/27/2007.
2. ☒ The allowed claim(s) is/are 1-4 and 6-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 1-4 and 6-39 are allowed. Claims 5 and 40-42 have been cancelled.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raffi Gostanian on 05/18/2007.

3. The application has been amended as follows:

A. In the claims:

- a. Claims 5 and 40-42 have been cancelled.
- b. Claim 1. (currently amended) A method for communicating real-time specialty-composed bulletin messages to subscribers of an Internet Service Provider (ISP), comprising the steps of:
 - a. Accessing, by a redirecting device, only subscriber upstream traffic to a destination informational web site requested by the subscriber, wherein the redirecting device inter-connects to one or more Ethernet ports of ~~a cable~~ an access concentrator of a broadband cable system operator;
 - b. Identifying, by the redirecting device, the subscriber's ~~to provide a~~ unique ~~subscriber~~ identification based on the accessed subscriber upstream traffic automatically[,] provided by the subscriber during communications via the cable access

Art Unit: 2154

concentrator;

c. Providing, by the redirecting device, the unique subscriber identification to a consolidating and management device located at the cable system operator providing data services and management control to the redirecting device, wherein the consolidating and management device is separate from the redirecting device;

d. Determining, by the consolidating and management device, the subscriber associated with the unique subscriber identification, and if [a] the specially-composed bulletin message for the subscriber is desired to be communicated:

Sending, by the consolidating and management device, policy information related to the data services and management control, to the redirecting device, wherein the policy information includes an IP address of the subscriber's device, and [a] the specially-composed bulletin message or a modification of the message to be performed for the IP address;

examining, by the redirecting device, the accessed upstream traffic to determine if it is possible to send a redirection, wherein the examining occurs without modifying the accessed upstream traffic; and

forcing a delivery of the specially-composed message[s] according to policies set by the ISP or the cable system operator irrespective of the subscriber's intended destination;

e. If the specially-composed bulletin message for the subscriber is not desired when no policy is in force for the subscriber, allowing, by the redirecting device,

Art Unit: 2154

a direct connection from the subscriber to the destination site to proceed normally, and sending, only by the destination site, downstream web traffic to the subscriber without forwarding the downstream web traffic through or by the redirecting device;

f. Based on the policy information, sending to the subscriber by the redirecting device, the redirection for a different destination site, wherein the specially-composed bulletin message originates from the different destination site.

- c. Claim 8, line 1, replace "7" with --6--.
- d. Claim 11, line 1, replace "10" with --9--.
- e. Claim 12, line 1, replace "10" with --9--.
- f. Claim 14, line 1, replace "13" with --12--.
- g. Claim 15, line 1, replace "13" with --12--.
- h. Claim 17, line 1, replace "16" with --15--.
- i. Claim 18, line 1, replace "16" with --15--.
- j. Claim 19, line 1, replace "16" with --15--.
- k. Claim 20, line 1, replace "19" with --18--.
- l. Claim 21, line 1, replace "19" with --18--.
- m. Claim 22, line 1, replace "19" with --18--.
- o. Claim 24, line 1, replace "23" with --22--.
- p. Claim 25, line 1, replace "24" with --23--.
- q. Claim 28, line 1, replace "27" with --26--.
- r. Claim 29, line 1, replace "27" with --26--.
- s. Claim 30, line 1, replace "29" with --28--.
- t. Claim 31, line 1, replace "29" with --28--.
- u. Claim 32, line 1, replace "29" with --28--.
- v. Claim 33, line 1, replace "31" with --30--.
- w. Claim 34, line 1, replace "28" with --27--.
- x. Claim 35, line 1, replace "16" with --15--.
- y. Claim 36, line 1, replace "16" with --15--.

Art Unit: 2154

- z.** Claim 37, line 1, replace "16" with --15--.
- aa.** Claim 38, line 1, replace "37" with --36--.
- ab.** Claim 39, line 1, replace "16" with --15--.

REASONS FOR ALLOWANCE

- 4.** The following is an examiner's statement of reasons for allowance:

Applicant's arguments that neither Simmons (US 5,974,451) nor Brothers (US 6,438,125) disclose are persuasive as presented in the interview summary dated 04/09/2007 along with the claim limitations presented in the claim wherein the method for communicating real-time specially-composed bulletin messages to subscribers of an Internet Service Provider (ISP), comprising the steps of: Accessing, by a redirecting device, only subscriber upstream traffic to a destination informational web site requested by the subscriber, wherein the redirecting device inter-connects to one or more Ethernet ports of an access concentrator of a broadband cable system operator; Identifying, by the redirecting device, the subscriber's unique identification based on the accessed subscriber upstream traffic automatically provided by the subscriber during communications via the cable access concentrator; Providing, by the redirecting device, the unique subscriber identification to a consolidating and management device located at the cable system operator providing data services and management control to the redirecting device, wherein the consolidating and management device is separate from the redirecting device; Determining, by the consolidating and management device, the subscriber associated with the unique subscriber identification, and if the specially- composed bulletin message for the subscriber is

Art Unit: 2154

desired to be communicated: Sending, by the consolidating and management device, policy information related to the data services and management control, to the redirecting device, wherein the policy information includes an IP address of the subscriber's device, and the specially-composed bulletin message or a modification of the message to be performed for the IP address; examining, by the redirecting device, the accessed upstream traffic to determine if it is possible to send a redirection, wherein the examining occurs without modifying the accessed upstream traffic; and forcing a delivery of the specially-composed message according to policies set by the ISP or the cable system operator irrespective of the subscriber's intended destination; If the specially-composed bulletin message for the subscriber is not desired when no policy is in force for the subscriber, allowing, by the redirecting device, a direct connection from the subscriber to the destination site to proceed normally, and sending, only by the destination site, downstream web traffic to the subscriber without forwarding the downstream web traffic through or by the redirecting device; Based on the policy information, sending to the subscriber by the redirecting device, the redirection for a different destination site, wherein the specially-composed bulletin message originates from the different destination site. None of the prior arts of record teach or suggest the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2154

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached o If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp
